

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2008

No. 07-50655
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GARY ALAN HERNANDEZ, JR.

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-1505-ALL

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Gary Alan Hernandez, Jr., has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Hernandez has filed a response. Our independent review of the record, counsel's brief, and Hernandez's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. Hernandez's request in his response for appointment of substitute counsel is DENIED.